


FILED

APR 08 2025

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

Richard J. Lee

1017 L Street, #213
Sacramento, California 95814
(800) 324-5200

Plaintiff, Lee

**AT THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Richard John Lee,
Individually, and on behalf of
ALDEN LEE COMPANY, INC.,
ALDEN LEE COMPANY, INC.
Shareholders,
ALDEN LEE COMPANY, INC.
Creditors,
and, under
Private Attorney General Status
on behalf of
the Greater Public Good,

Plaintiffs.

v.

CHARLES SCHWAB & CO., INC.,
Greg Scanlon,
Richard Dangerfield,
W. Hardy Callcott,
DELOITTE & TOUCHE LLP,
Richard A. Fiedelman,
Gerald Fujimoto,

Defendants.

CASE NO: 2:25-CV-00558-DC-JDP

PLAINTIFF RICHARD JOHN LEE'S
NOTICE OF MOTION AND MOTION
TO ENFORCE THE COMMON LAW
DOCTRINE OF ESTOPPEL BY
ACQUIESCENCE.

Date: May 1, 2025
Time: 10:00 A.M.
Place: Courtroom 9
[Hon. Jeremy D. Peterson]

Complaint Filed: February 19, 2025

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD

- 1 **1. PLEASE TAKE NOTICE** that on May 1, 2025, at 10:00 a.m., or as soon thereafter as
2 this matter may be heard or the Court may order, in Courtroom 9, on the 13th floor of
3 the United States District Court, Eastern District of California, located at 501 I Street,
4 Sacramento, California 95814, before the Honorable Jeremy D. Peterson, Plaintiff
5 Richard John Lee, (Plaintiff) will, and hereby does move this Honorable Court to enter
6 an order granting Plaintiff's Motion to Enforce the Common Law Doctrine of Estoppel
7 by Acquiescence.
8

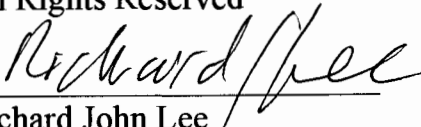
The Common Law Doctrine of Estoppel by Acquiescence.

- 9 **2.** Estoppel by Acquiescence is a Common Law doctrine that prevents a party from
10 denying or challenging a fact or claim when they have been notified of it and failed to
11 refute it within a reasonable time. Based on this doctrine, facts and truth unrebutted are
12 admitted.
13 **3.** Estoppel by acquiescence occurs when "a person knows or ought to know that he is
14 entitled to enforce his right ... and neglects to do so for such a length of time as would
15 imply that he intended to waive or abandon his right." Woodroffe v. Woodroffe, 864
16 N.W.2d 553 (Iowa Ct. App. 2015) (quoting Humboldt Livestock Auction, Inc. v. B&H
17 Cattle Co., 261 Iowa 419, 432, 155 N.W.2d 478, 487 (1967)); Markey v. Carney, 705
18 N.W.2d 13, 21 (Iowa 2005).
19 **4.** The necessary elements for a claim of Estoppel by Acquiescence are "(1) a party has
20 full knowledge of his rights and material facts; (2) [that party] remains inactive for a
21 considerable time; and (3) [that party] acts in a manner that leads the other party to
22 believe the act now complained of has been approved." Ney Leasing Corp. v. Cargill
23 Meat Logistics Sols., Inc., No. C09-1051, 2010 U.S. Dist. LEXIS 107107, at 26 (N.D.
24 Iowa Oct. 6, 2010).
25 **5.** In this matter, enforcement of the Common Law Doctrine of Estoppel by
26 Acquiescence is required to ensure the restoration of truth, justice, and the integrity of
27 the judicial process.
28

1 6. **WHEREFORE**, Plaintiff Richard John Lee respectfully moves this Honorable
2 Court, pursuant to oaths sworn by the presiding judge and the attending public officers,
3 to enter an order granting Plaintiff's Motion to Enforce the Common Law Doctrine of
4 Estoppel by Acquiescence.

5
6 Dated: April 8, 2025

7 Respectfully submitted,
8 All Rights Reserved

9 
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11 1017 L Street, #213
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